

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

TOBIE MELISSA KIRKLAND,	)	
	)	
Petitioner,	)	
	)	
v	)	Civil Action No. 2:07cv759-MHT
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER ON MOTION**

Pending before the court (Doc. No. 2) is the motion to proceed without prepayment of fees filed by the petitioner in conjunction with her motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. There is no filing fee required for a motion to vacate filed pursuant to 28 U.S.C. § 2255. Accordingly, upon consideration of the motion to proceed without prepayment of fees, it is

ORDERED that this motion (Doc. No. 2) be and is hereby DENIED as moot.

Done this 4<sup>th</sup> day of February, 2008.

/s/Terry F. Moorner  
TERRY F. MOORER  
UNITED STATES MAGISTRATE JUDGE